

Application No. 10/784343
Reply to Office Action of October 23, 2006

Docket No.: 00306-00355-US

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REMARKS

Favorable consideration of this Application as presently amended and in light of the following discussion is respectfully requested. The applicant has corrected an obvious typographical error in the specification with respect to group "Block polymers of ethylene and propylene glycol," should be "Block polymers of ethylene and propylene oxide". Support can be found in the specification in Example 3 which refers to Pluronic L31 which is an example of Block polymers of ethylene and propylene oxide (see the enclosed link from BASF indicating that block copolymers based on ethylene oxide and propylene oxide).

http://worldaccount.basf.com/wa/NAFTA~en_US/Catalog/ChemicalsNAFTA/pi/BASF/Brand/pluronic

Support for amended claims 91 and 104 can be found in the specification at pages 6-12. The applicant has rewritten claims 96 and 98 into independent form. No new matter has been added.

By way of summary, the Official Action presents the following issues: Claims 91, 94, 95, 97, and 99-104 stand rejected under 35 U.S.C. § 112, first paragraph; and, Claims 96 and 98 stand objected to as allegedly being dependent upon a rejected base claim. The applicant respectfully traverses this rejection.

REJECTION UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

The outstanding Official Action has rejected Claims 91, 94, 95, 97, and 99-104 under 35 U.S.C. § 112, first paragraph. Although the applicant disagrees with this rejection, especially in view of the fact that the term surfactant appears in Herold, US 6,803,345 ("Herold"). Claim 1 of Herold states,

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"1. A microemulsion-forming-concentrate comprising herbicide compound
in acid form and surfactant, wherein the concentrate can be combined with
water to form a microemulsion." (emphasis added)

Again, this is the patent that the applicant respectfully requests that an interference be
declared with.

However, in order to expedite prosecution, the applicant has amended independent claim
91 to overcome the 35 USC 112 first paragraph rejection.

OBJECTION TO CLAIMS

The outstanding Official Action has objected to Claims 96 and 98 as allegedly being
dependent upon a rejected base claim. The applicant has rewritten these claims into independent
form.

The applicant respectfully requests that an interference be declared between the applicant
and Herold.

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Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 00306-00355-US from which the undersigned is authorized to draw.

Respectfully submitted

By


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